

AMENDMENTS TO THE CLAIMS

Please cancel claims 19-34 without prejudice or disclaimer of their underlying subject matter.

1. (previously presented) An optical recording medium for performing at least one of recording and reproduction of information by irradiation of light, comprising;

on a substrate with fine concavities and convexities formed on a surface thereof, on a side onto which said irradiation of light is performed, a formed film layer the surface of which is made a surface of fine concavities and convexities representing said fine concavities and convexities and which has at least a recording layer; and

a light transmission flattenable film which buries therein the fine concavities and convexities surface, and which has a transmission characteristic with respect to the irradiated light, and which has its surface polished and has a hardness enabling it to be polished,

wherein said light transmission flattenable film consists of inorganic flattenable material having a thickness that is 400 nm or less.

2-4. (canceled)

5. (previously presented) The optical recording medium according to claim 1, wherein the substrate consists of organic material substrate made of polyether sulfone (PES) or polyether imide (PEI).

6-9. (canceled)

10. (previously presented) The optical recording medium according to claim 1, wherein the thickness of the light transmission flattenable film is 100 nm or less.

11. (previously presented) The optical recording medium according to claim 1, wherein the light transmission flattenable film consists of spin-coat flattenable material having SiO₂ as a main component.

12. (previously presented) The optical recording medium according to claim 1, wherein the light transmission flattenable film has a level of flatness by having protrusions eliminated that damage an optical system disposed in the proximity of and in opposition to the surface of the light recording medium and performs the irradiation of light.

13. (previously presented) The optical recording medium according to claim 1, wherein the fine concavities and convexities have lands and grooves;

the difference in level between the land and the groove is selected to be at a value which only causes mutual interaction between these two to less occur with respect to the irradiated light; and

the recording of the information is performed with respect to the recording layer of either, or both, of the land and the groove.

14. (previously presented) The optical recording medium according to claim 42, wherein a backing layer of dielectric material is formed on a surface where the light transmission flattenable film is formed.

15-16. (canceled)

17. (previously presented) The optical recording medium according to claim 1, wherein the recording layer has a material layer the phase of which is changed by the irradiation of light from an amorphous state of low reflectance to a crystalline state of high reflectance or vice versa.

18. (previously presented) An optical recording medium according to claim 1, wherein the recording layer has a material layer the state of magnetization of which is changed by the irradiation of light.

19-34. (canceled)

35. (previously presented) The optical recording medium according to claim 1, wherein said light transmission flattenable film is capable of being polished.

36. (previously presented) The optical recording medium according to claim 42, wherein said backing layer is a first dielectric, said light transmission flattenable layer is a second dielectric, and said surface layer is a third dielectric.

37. (previously presented) The optical recording medium according to claim 36, wherein said first dielectric, said second dielectric and said third dielectric are the same dielectric.

38. (previously presented) The optical recording medium according to claim 42, wherein said light transmission flattenable film is on said formed film layer.

39. (previously presented) The optical recording medium according to claim 38, wherein said backing layer is on said formed film layer, said light transmission flattenable layer is formed on said backing layer, and said surface layer is on said light transmission flattenable layer.

40. (previously presented) The optical recording medium according to claim 1, wherein said formed film layer includes a reflection film, a first dielectric film and a phase change recording layer.

41. (previously presented) The optical recording medium according to claim 40, wherein said reflection film is formed on said substrate, said first dielectric film is formed on said reflection film, and said phase change recording layer is formed on said first dielectric film.

42. (previously presented) The optical recording medium according to claim 1, wherein said light transmission flattenable film includes a backing layer, a light transmission flattenable layer and a surface layer, said backing layer being above said formed film layer, said light transmission flattenable layer being above said backing layer, said surface layer being above said light transmission flattenable layer.